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In re Application of: Richard E. Auerbach, et al. :
Appl. No.: 09/884,231 : DECISION ON PETITION
Filed: June 19, 2001 :
For: Woven Spider for Loudspeaker :
Attorney Docket No.: 11336/431 (PO1050US) :

This is a decision on the petition filed on April 8, 2005 by which petitioners requested reconsideration and withdrawal of the restriction requirement rendered July 27, 2004. The petition is considered pursuant to 37 CFR 1.144, and no fee is required.

The restriction requirement rendered on July 27, 2004 required Applicant to elect a single species for prosecution from five identified species A-E. Claims 1-19 and 28-37 were the only claims present in the case at that point in the prosecution; claims 20-27 having been cancelled as a result of previous prosecution. In response to the restriction requirement dated November 1, 2004, Applicant complied by electing a single species with traverse and added new claims 38-43.

The invention disclosed in this application involves a method of making a moving coil transducer (i.e., a loudspeaker), part of which involves a method of making a woven spider and incorporating the spider into the moving coil transducer. The method of making the woven spider is a subcombination method of the combination method of making the moving coil transducer. The only species disclosed in this application is illustrated in figures 3a and 3b, wherein the wrapped electrical conductors are woven into the cloth of the spider in a parallel, side-by-side manner, and figures 4a and 4b, wherein the wrapped electrical conductors are first twisted and then woven into the cloth of the spider.

Of the claims 1-19 and 28-43, only claim 5 was specific to the species illustrated in figures 4a and 4b. All the remaining claims were generic to both embodiments by setting forth features that were applicable to both embodiments. In any event, Applicant elected species D and agreed that claim 1 was generic which resulted in the examination of claims 1 and 28-33. Claims 1 and 28-33 were finally rejected in the final Office action dated January 14, 2005 and claims 2-19 and 34-43 were withdrawn from further consideration under 37 CFR 1.142(b).

On April 8, 2005, in response to the final rejection, Applicant submitted an amendment after final rejection indicating claims 1 and 28-33 (previously presented); claims 2-19 and 34-43 (withdrawn); claims 20-27 (cancelled) and claim 44 (never previously presented, but nonetheless

withdrawn). The Examiner, as indicated in the advisory action dated April 25, 2005, did not enter this amendment.

On July 12, 2005, Applicant submitted a request for continued examination (RCE) accompanied by amendments to the claims cancelling claim 1-27 and 34-44 and adding new claims 45- 69. These new claims were a reiteration of the previously cancelled claims including claim 60, which was specific to the species illustrated in figures 4a and 4b.

On October 5, 2005, the Examiner rendered another restriction requiring the Applicant to elect one of six groupings of claims; each grouped invention indicated as a subcombination usable together.

On November 3, 2005, the Applicant responded to the restriction requirement with traverse, elected one of the grouped inventions for prosecution, cancelled claim 67 and added new claims 70-76.

On January 26, 2006, after carefully considering Applicant's response dated November 3, 2005, the Examiner withdrew the restriction requirement and indicated claims 28-33, 45-66 and 68-76 allowable.

From the prosecution of this application, it is apparent that the petition filed on April 8, 2005 was addressed as a request for reconsideration in the Office action dated January 26, 2006 and is therefore, considered moot and thus dismissed.

PETITION DISMISSED.



Frederick R. Schmidt, Director
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